



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

JOHN ELIAS BALDACCI

DAVID P. LITTELL

GOVERNOR

COMMISSIONER

TO The Board of Environmental Protection

FROM James Cassida, Becky Maddox, Bureau of Land & Water Quality, Augusta

RE Rollins Wind Project Appeal, Site Location of Development Law and Natural Resources Protection Act, Approval, #L-24402-24-A-N/L-24402-TC-B-N/L-24402-IW-C-N

DATE: August 6, 2009

**Statutory and Regulatory References** The applicable regulatory framework for this application is the Site Location of Development Law (Site Law), 38 M.R.S.A. § 481-490, Site Location of Development Rules, Chapter 375 (10), the Natural Resources Protection Act (NRPA) § 480, the Significant Wildlife Habitat Rules, 38 M.R.S.A. § 335 (3) (C), and the Maine Wind Energy Act, Title 35-A § 3451 (4). The Site Location of Development Rules interpret and elaborate on the Site criteria and the Significant Wildlife Habitat Rules interpret and elaborate on the NRPA criteria. The Site Rules guide the Department in its determination of whether a project will be in compliance with the noise regulations and whether the project would unreasonably adversely affect existing uses. The Significant Wildlife Habitat Rules guide the Department in its determination of whether a project's impacts on the subject wildlife would be unreasonable.

**Location** The project site is located in the towns of Lincoln, Lee, Winn, Burlington, and Mattawankeag. The turbines will be located in two separate clusters, one cluster will be located on Rollins Mountain (Rollins North), which is located in the towns of Lincoln and Lee, and one cluster will be located on Rollins South, which is located in the towns of Lincoln and Burlington. All other associated generating facilities will be located within the towns of Burlington, Lee, Lincoln and Winn.

**Description** On October 30, 2008, the applicant submitted a Site Law application and two NRPA applications for the construction of a 60-megawatt (MW) wind energy generation facility known as the "Rollins Wind Project", which is an expedited wind energy development in accordance with the Maine Wind Energy Act, Title 35-A § 3451 (4). The proposed project includes the construction of two wind turbine clusters, the construction and upgrade of two permanent access roads, forty turbine pads, four permanent meteorological towers, a 43,200 square foot electrical substation, a 34.5 kV overhead collector line among the turbines, a 34.5 kV, 5.4 mile connector line between the North and South portions of the project, a 115 kV, 8.8 mile transmission line, and a 9,000 square foot Operations and Maintenance (O & M) facility. The Department approved these permit applications on April 21, 2009.

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**Environmental Issues**

- 1) The appellants contend that the Department erred in its findings that the noise generated from the proposed Rollins Wind project will not have an unreasonable effect on the surrounding environment or existing uses pursuant to the operational standards as set forth in the Site Location of Development Rules, Chapter 375 §10, based on the following
  - A The wind study submitted by the applicant was flawed and incomplete,
  - B The noise peer review was incomplete and the conclusions drawn from the peer review by the DEP were unsupported by the En-Rad report,
  - C The DEP's failure to consider the impacts of turbine noise on human health, despite submissions that support the existence of such impacts, was contrary to the DEP's own regulations.
- 2) The appellants contend that the Department erred in its findings that the proposed wind energy facility constitutes an unreasonable impact on all resident wildlife, including bald eagles, pursuant to the Significant Wildlife Habitat Rules, Chapter 335(3)(C), because the Department did not require the applicant to conduct additional wildlife studies in order to study the impacts of the project, particularly, the impacts of resultant noise levels on wildlife living in the area. The appellants further contend that the Department did not require the applicant to prepare a detailed habitat plan demonstrating how eagles in the vicinity of the project site will be protected.

**Department Recommendation** The Department recommends that the Board finds that the noise generated from the proposed Rollins Wind Project, will not have an unreasonable effect on the surrounding environment or existing uses in accordance with Department Rules Chapter 375(10). The Department further recommends that the Board finds that the proposed project will not have an unreasonable impact to wildlife, including eagles, in accordance with the Significant Wildlife Habitat Rules, Chapter 335 (3)(C).

**Estimated Time of Presentation** 3 hours